

FILED

January 3, 2005

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**NEW JERSEY STATE BOARD
 OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
 DEPARTMENT OF LAW & PUBLIC SAFETY
 DIVISION OF CONSUMER AFFAIRS
 BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE LICENSE OF

Administrative Action

MARK FILSTEIN, MD
 License No: MA68779

FINAL ORDER
 OF DISCIPLINE

TO PRACTICE MEDICINE IN THE
 STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Medical Examiners upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made;

FINDINGS OF FACT

1. Respondent, Mark Filstein, M.D., License No. MA68779, is a physician licensed in the State of New Jersey. As a consequence of Respondent's failure to submit his biennial renewal application in 1999, Respondent's license to practice medicine and surgery in the State of New Jersey was automatically suspended pursuant to N.J.S.A. 45:9-6.1, which allows for reinstatement upon payment of certain fees. On March 28, 2003 Respondent's New Jersey medical license was reinstated to active status.

2. On June 27, 1997, a Stipulation and Order was entered by Division of Occupational and Professional Licensing of the

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Department of Commerce of the State of Utah wherein Respondent waived the right to a hearing before the Board and agreed that cause existed for sanctions against his license.

3. Respondent was charged with engaging in unlawful conduct because he entered into a partnership with a person not licensed to practice medicine and allowed that person to practice medicine under his authority. Respondent was also charged with engaging in unprofessional conduct by aiding and abetting his business partner to engage in the unlicensed practice of medicine and because Respondent practiced medicine as a partner in a joint venture with a person who did not hold a license to practice medicine in the State of Utah. In addition, Respondent was charged with unprofessional conduct by practicing medicine through a pattern of negligence because Respondent allowed an unlicensed person to practice medicine, including performing laser surgery, allowed an unlicensed person to evaluate tattoos to determine whether the use of laser surgery was appropriate, and failed to follow up with laser surgery patients for complications and proper aftercare.

4. The Stipulation and Order entered on June 27, 1997 served as a public reprimand and imposed a fine of \$2000. Furthermore, Respondent was required to notify the Division of Occupational and Professional Licensing within thirty days of any intent to practice medicine in the State of Utah.

5. Based on the action in Utah, the New York Board for Professional Medical Conduct entered a Consent Agreement and Order wherein Respondent was charged with and did not contest one count of professional misconduct. Sanctions were imposed in the State of New York, including a censure and reprimand, a fine of \$2000, and Respondent was placed on two years probation.

CONCLUSIONS OF LAW

1. The above Utah and New York actions provide grounds for discipline in that Respondent has engaged in professional or occupational misconduct pursuant to N.J.S.A. 45:1-21(e).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline reprimanding Respondent and imposing a \$2000 penalty was entered on March 4, 2003, and a copy was forwarded by means of both regular and certified mail to Respondent at 434 East 52nd Street, Suite 1B, New York, New York 10022 and 31 East 28th Street, New York, New York 10016, his last known addresses on file with the Board. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons thereof.

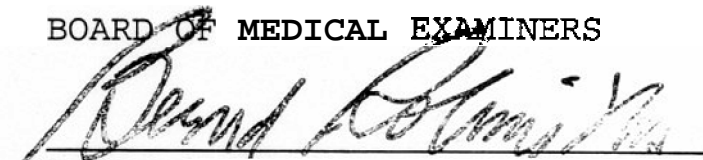
The Provisional Order of Discipline sent to 434 East 52nd Street, Suite 1B, New York, New York 10022 by means of certified and regular mail was returned as "unclaimed". Likewise, the Provisional Order of Discipline sent to 31 East 28th Street, New York, New York 10016 by means of certified mail was returned by the Post Office marked "return to sender" and the envelope sent by regular mail was returned by the Post Office marked "unclaimed." Because the Provisional Order of Discipline was forwarded to Respondent's addresses of record, the Board deems service to have been effected. Accordingly, it determined that further proceedings were not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 3rd day of Jan, 2005,
ORDERED that:

1. Respondent is hereby reprimanded.
2. Respondent shall pay a monetary penalty of \$2000 by certified check or money order made payable to the State of New Jersey and forwarded to Mr. William Roeder, Executive Director, State Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625-0183.

BOARD OF MEDICAL EXAMINERS

By


Bernard Robins, M.D., F.A.C.P.
President